

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission

Darryl Larry Bierley C-2016-2553988
v National Fuel Gas Dist. Corp.

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

SEP 20 2017

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Exceptions to Order

And now comes the plaintiff to make exceptions to the order dated Aug. 14, 2017

First he will cover the conclusions of law, and, then, he will present item exceptions. Paragraphs not covered are essentially admitted.

The Conclusion of law is in grave error, and, plaintiff has met his burden of proof.

It is irrefutable and irrefutable that the gas company is required to instantly check out complaints of suspected gas leaks in appliances or fixtures in a home.

Since the immediate inspections are required by law, it logically follows that the gas company bears responsibility for any harm that might evolve from a suspected gas leak in an appliance or fixture. That appliance or fixture is INSIDE the the home, whereat, the company must investigate and determine the safety and efficacy of their product.

In this instance, it logically follows that when the company noted a huge

Increase in consumption, someone should have been dispatched to investigate things.

Therefore, all the balderdash and poppycock of this drawn out affair is nil. The case should not be dismissed and the gas company should be required to re-emburse me for the two large bills. I have anosmia and it is possible that insufficient gas leakage into living space failed to set off alarms. Unchecked, the gas injury could have resulted in a very high concentration that might have caused injury or death to me and a catastrophe in the neighborhood.

The pertinent question that needs answered here is: could the leak have been or should the leak have been found two or more weeks earlier? ALSO, could this incident be replicated w.o. immediate intervention when huge + sudden gas consumption is observed.

Pg 1 # 2 My complaint was that the second very high gas bill alerted me to possible trouble which was subsequently verified.

Pg 3 # 1 I cannot afford to purchase a 101 page transcript to pursue for more errors.

Pg 3 @ 4 My home had a smoke alarm and carbon monoxide detector, NOT two smoke alarms.

Pg 3 @ 6. I called the company to ask
(2.)

why the bill was so huge. I did not call to contest the amount of the bill yet.

Pg 3 @ 2 - According to information received directly from the Fire Chief, in the circumstances, unknown to me at the time, the company should have ~~sent~~ ^{alert} emergency personnel due to the potential of great imminent harm. They did not.

Pg 4 @ 14 Totally irrelevant.

Pg 5 @ #1 I contested the fairness of the charges, NOT the correctness.

Pg 5 @ #2 I did pay the bill. NO bill was sent unpaid as this statement and others seem to imply.

Pg 5 @ #3 The national electrical code, NEC, provides for responsibility for correctness and technical installation of all outlets and attached appliances. That product is not even highly explosive with potential death caused by asphyxiation. So then since gas is highly explosive, very inflammable, and likely to cause asphyxiation to the point of death, the gas company should provide for technical correctness like the NEC,

Pg 6 @ 4 The company failed to provide reasonable safe service without notification to fire and ambulance, and me much earlier.

Pg 2 #2 This paragraph is essentially bunk that unfairly absolves the company.

of responsibility from which it should not be protected.

Pg 7 Last ¶, All this paragraph is merely further bunk. Despite the unreasonable legislation, the company failed to provide fully for safe usage of its products.

Pg 8 ¶¶ 1-4 ind. Perfect service is not the issue at bay; safe service that virtually eliminates fire, explosion, and aphyxiation in event of human error is the paramount issue.

Pg 8 ¶ 5 I stated that the huge gas bill should have elicited action from the gas company even prior to my receipt of the second big bill. I reiterate, the sudden huge consumption should have prompted action, even before I received the bill.

The CO + smoke detectors did not activate and, having anaemia, I smelled nothing. The recent implementation of spray on insulation was a big factor also.

Pg 9 ¶ 1 I only said that especial inspection was justified on a very old house that had been vacant for a long time. I might have also said that a cursory inspection could have/should have been done prior to occupancy.

Pg 9 ¶ 2 I never claimed that, except to say emergency services should have been notified per talk with fire chief.

Pg 9 # 3 I re-lavant if the meter had been last read BEFORE the teflon blowout. Apparently that is what happened.

Pg 9 # 4 I re-iterated, the Fire Chief told me there was NO fire company notification and there should have been. Wherefore, the caselan guides are menon

Pg 10 # 1 This is meaningless since, prior to the bill, I had NO realization that there was a problem. I live alone and have anosmia.

Pg 10 # 2 How is it that an "only one percent leak" generated two huge bills. This is either doublespeak or grave error.

Pg 11 # 2 Hereby, I insist, the huge gas consumption should have generated a phone call or tech visit before I received the bill.

Pg 11 # 5 It appears here that the regulation is in grave ^{error}. It does NOT exonerate the company because it used wealth and political influence to effect a regulation that purports to relieve the company of liability or responsibility.

The scenario that ~~prop~~ prompted this matter and incident is quite possible replicable in the future and should be dealt with

↳ Motion

Therefore, I move the Hon Court to rescind dismissal hereof. Aug 14, 2017.

Respectfully

Sept 20, 2017

(S) James Lamy Bierley

Certificate of Service

A complete copy of the attached
Exceptions to Order was served
by first class U.S. Mail to:

PA Utility Commission
Commonwealth of PA
P.O. Box 3265
Harrisburg, PA 17105-3265

Jeffrey A. Watson
Adm'n. Law Judge
PA Utility Commission
First Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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Sept 29, 2017

MaryLynn Bierley
242 E. 32nd ST
Erie, PA

Harry L Beerley AKA
Harry Larry Beerley
v
Natl Fuel Gas Corp

: IN THE COURT OF COMMON PLEAS
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: OF ERIE COUNTY, PENNSYLVANIA
Comm. of PA
: NO. C-2016-2553988

TO: Kathleen Ryan, Esq

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You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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Harry L Beerley



Mr. Harry Bierley
242 E 32nd St
Erie, PA 16504-1547

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